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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,203	10/15/2003	Gary E. Brant	B087244	5877
7590 Patricia E. McQueeney Becker & Poliakoff, P.A. 3111 Stirling Road Fort Lauderdale, FL 33312			EXAMINER CHEN, SHIN HON	
			ART UNIT 2131	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/686,203

Applicant(s)

BRANT ET AL.

Examiner

Shin-Hon Chen

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/15/03</u>  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-18 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8, 9 and 13-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kiyomoto U.S. Pat. No. 7017182 (hereinafter Kiyomoto).

4. As per claim 1, Kiyomoto discloses a method of securely transmitting digital text comprising: a) utilizing a biometric sensor to generate a key for a customer (Kiyomoto: column 4 lines 21-24: provide a encoding utilizing fingerprint); b) utilizing said key to encrypt said digital text (Kiyomoto: column 2 lines 29-32: the data is encrypted with receiver's fingerprint generated key); c) transmitting said encrypted digital text to said customer (Kiyomoto: column 8 lines 40-44: receive the cryptogram); and d) utilizing said biometric sensor to decrypt said encrypted digital text (Kiyomoto: column 6 lines 24-34: freshly stamps fingerprint in live fashion for entering the digitized fingerprint image; column 8 lines 29-44: verification is required prior to decode the cryptogram).

5. As per claim 8, Kiyomoto discloses the method of claim 1. Kiyomoto further discloses wherein said key contains no biometric information (Kiyomoto: column 2 lines 36-38:

fingerprint image data are not recorded but only encoded information are deposited).

6. As per claim 9, Kiyomoto discloses the method of claim 1. Kiyomoto further discloses the encryption is step is repeatedly performed seven times (Kiyomoto: column 7 lines 61-63:

repeated using the fingerprint information to adjust data length).

7. As per claim 13, Kiyomoto discloses the method of claim 1. Kiyomoto further discloses wherein said transmission step is performed electronically (Kiyomoto: column 8 lines 48-50:

communication network).

8. As per claim 14, Kiyomoto discloses the method of claim 1. Kiyomoto further discloses wherein said transmission step is performed physically (Kiyomoto: column 8 lines 38).

9. As per claim 15, Kiyomoto discloses the method of claim 1. Kiyomoto further discloses wherein transmission of said text to said customer does not contain said key (Kiyomoto: column

8 lines 35-39: forwards the cryptogram to receiver).

10. As per claim 16, Kiyomoto discloses a symmetric key system for securely transmitting digital text comprising: a) digital text (Kiyomoto: column 2 line 10: data/information); b) a

customer (Kiyomoto: column 2 lines 30-32: receiver); c) a key unique to said customer

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(Kiyomoto: column 2 lines 31-32: fingerprint information deposited by receiver); d) a biometric sensor (Kiyomoto: column 6 lines 29-30: fingerprint reading unit); wherein said digital text is encrypted using said key prior to transmission (Kiyomoto: column 2 lines 30-32: encrypt with receiver's biometric key), wherein said encrypted digital text is transmitted without said key (Kiyomoto: column 2 lines 32-36: decrypt received data with biometric key), wherein said customer accesses said key using said biometric sensor (Kiyomoto: column 6 lines 15-34: output digitally stored key upon biometric verification), wherein said customer decrypts said digital text utilizing said key (Kiyomoto: column 8 lines 40-44: decodes cryptogram).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-7, 10-12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyomoto in view of Bjorn et al. U.S. Pat. No. 3122737 (hereinafter Bjorn).

13. As per claim 2-7, Kiyomoto discloses the method of claim 1. Kiyomoto further discloses wherein said digital text comprises data/information. The examiner has interpreted "data" to be any item of information to be communicated between two parties that include but are not limited to movies in a studio film archive, songs in a music archive, information in a finance archive, personal medical information, master tapes generated in a recording studio, or government

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information (Kiyomoto: column 2 lines 10-11: data/information communication utilizing the encoded fingerprint information).

14. As per claim 10, Kiyomoto discloses the method of claim 1. Kiyomoto does not explicitly disclose wherein said encryption step comprises decryption limitations. However, Bjorn discloses that limitation (Bjorn: column 7 lines 11-17: timestamp or other tracking information is encoded). It would have been obvious to one having ordinary skill in the art to include decryption limitations to data communicated in a network because data access control can be applied to all data being communicated that are protected by biometric information. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Bjorn within the system of Kiyomoto because it provides limited access to data by specifying the number of times the data can be accessed (Bjorn: column 7 lines 14-15).

15. As per claim 11, Kiyomoto as modified discloses the method of claim 1. Kiyomoto as modified further discloses wherein said decryption limitations comprise expiration time periods (Bjorn: column 7 lines 11-14). Same rationale applies here as above in claim 10.

16. As per claim 12, Kiyomoto as modified discloses the method of claim 1. Kiyomoto as modified further discloses wherein said decryption limitations comprise a number limit to the number of times the text may be decrypted (Bjorn: column 7 lines 11-15). Same rationale applies here as above in claim 10.

17. As per claim 17, Kiyomoto discloses the system of claim 16. Kiyomoto discloses an apparatus that contains fingerprint sensor and decrypt the proprietary digital text using said biometric sensor (Kiyomoto: column 6 lines 15-34). Kiyomoto does not explicitly disclose wherein said biometric sensor comprises a digital text reader. However, Bjorn discloses that a sensor device can be incorporated into a digital system that can read digital data and decrypt encrypted digital data (Bjorn: column 4 lines 55-63: the digital system may be a portable computer...the sensor may be located within the digital system). It would have been obvious to one having ordinary skill in the art to have built-in fingerprint device within the digital system because communication can take place regardless whether the communication is within the system or between two devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Bjorn within the system of Kiyomoto because no duplicative memory, security units and USB controller would be required (Bjorn: column 4 lines 55-63).

18. As per claim 18, Kiyomoto discloses the system of claim 17. Kiyomoto as modified further discloses wherein said biometric sensor/digital text reader is portable (Bjorn: column 4 lines 56-57). Same rationale applies here as above in claim 17.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Willins et al. U.S. Pat. No. 6990587 discloses cryptographic architecture for secure, private biometric identification.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

  
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